

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Kevin T. Clark #1239858/302841C

\* see attached list of fellow inmates

*(In the space above enter the full name(s) of the plaintiff(s).)*

- against -

Marcus Hicks: Commissioner NJ Doe

~~John Doe~~ Administrador SWJP - NJ Doe

## **COMPLAINT**

Jury Trial:  Yes  No

(check one)

*(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)*

**I. Parties in this complaint:**

- A. List your name, address and telephone number. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff	Name	Kevin T Clark 1234838
	Street Address	215 Burlington Rd. South
	County, City	Cumberland, Bridgeton
	State & Zip Code	NJ 08302
	Telephone Number	(856) 468-1003

- B. List all defendants. You should state the full name of the defendants, even if that defendant is a government agency, an organization, a corporation, or an individual. Include the address where each defendant can be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Marcus Hicks - Commissioner  
 Street Address Whittlesey Rd. P.O. Box 863  
 County, City Mercer, Trenton  
 State & Zip Code NJ 08625

Defendant No. 2

Name John Powell - Administrator  
 Street Address 215 Burlington Rd. South  
 County, City Cumherland, Bridgeton  
 State & Zip Code NJ 08302

Defendant No. 3

Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_

Defendant No. 4

Name \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 County, City \_\_\_\_\_  
 State & Zip Code \_\_\_\_\_

## II. Basis for Jurisdiction:

Federal courts are courts of limited jurisdiction. There are four types of cases that can be heard in federal court: 1) Federal Question - Under 28 U.S.C. § 1331, a case involving the United States Constitution or federal laws or treaties is a federal question case; 2) Diversity of Citizenship - Under 28 U.S.C. § 1332, a case in which a citizen of one state sues a citizen of another state and the amount in damages is more than \$75,000 is a diversity of citizenship case; 3) U.S. Government Plaintiff; and 4) U.S. Government Defendant.

- A. What is the basis for federal court jurisdiction? (check all that apply)

Federal Questions       Diversity of Citizenship  
 U.S. Government Plaintiff       U.S. Government Defendant

- B. If the basis for jurisdiction is Federal Question, what federal Constitutional, statutory or treaty right is at issue?

Iy was denied a short at home confinement when Iy would be safe AND  
 free of contagious covid-19. In essence Iy was discriminated. All inmates  
 were discriminated!! Several inmates require less than 2% were approved!!!

C. If the basis for jurisdiction is Diversity of Citizenship, what is the state of citizenship of each party?

Plaintiff(s) state(s) of citizenship N/A

Defendant(s) state(s) of citizenship N/A

III. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. Powell Where did the events giving rise to your claim(s) occur? Southwestern State Prison - Brington  
(Attala) & Whitley Rd. Trenton (Hicks)

B. What date and approximate time did the events giving rise to your claim(s) occur? 5/1/20 pm.

(\* Various dates / time between 4/24 - 5/28) Greater

(\* From 10/3/19 - present day) SWSP - Brington

#1 Powell

C. Facts: 4/24 Was interviewed for emergency home confinement, 4/27.  
4/24 My request was visited and approved by Park Officer 10. Safe return - 4/27

#2 Hicks 5/1 Received all furlough applications and denied them! That leaves myself  
and grave health inmates at a high risk to catch-19. Some are possibly expiring. He  
discriminated us! All inmates except me said denial letter self-imposing climb.

#1 Attala 4/29 to present While under Attala supervision / have exhausted and  
Followed all institutional remedies to seek outcome of furlough application only to  
be ignored and left choices while the virus is getting worse here. Quarantine twice

#2 Hicks 5/21, 5/22 Wrote two his family call to find out status of application only  
to be ignored and treated with disrespect. Still no answer (as of 6/1)...

#2 Powell 6/1 As the virus continues to spread / remain in the middle  
to catch covid-19. No precautions to help the high risk inmates have been implemented.

\*Please note on 5/22 / I saw the parole board was ~~was~~ given a release  
date. That makes me even more of a qualified applicant. Still ignored / denied?  
It's sad when only 90 out of a proposed 3,000 inmates are let out!!! / guess  
our lives don't matter? We are that disposable? All of our sentences have been  
changed to death sentences? Commissioner Hicks before the judge/jury, our executioner  
when? Not right... \* G-1. Appraiser: Attala returned from P. Warden for scheduling treat-  
ment. Due to mismanagement's poor scheduling / missed diagnosis and that now makes  
4 days w/o dialysis. My BPP is running high and instead of helping me / in burns reward.

\*See Attached Appendix for notes G-2 on...

Key: 1 = Powell

2 = Hicks

IV. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received.

I have blodden out over fowll hours of times since returning from hospitalization 2/6/20. My injuries are loc & z, cuts, scrapes, and bruises. I have talk custody, civilian medical staff, and institution medical staff several times with nothing being done. Please note living in a concrete cell with metal all over you at a high risk for serious injury, com, or death... I'm treat my own injuries. #

\*\* Appendix G11: I now suffice from high BP with the Avg being 140/120. That's stroke range in heart attack range. I keep informing only to be ignored, it is respected, but NO MEDS given. It's been reported that hypertension raises the risk of catching covid-19 another 8% to the already high percentage I have of catching covid-19. If given a full course of meds show ears, bruising, swollen extremities and sugar low due to failing nut daily/nightly.

V. Relief:

State what you want the Court to do for you and the amount of monetary compensation, if any, you are seeking, and the basis for such compensation.

To be released to home confinement immediately. To have others who are seriously ill have their applications revisited. To be compensated hazardous pay at \$500.<sup>00</sup> starting March 12 until I leave since I was in ground zero of the covid-19 spread. Money isn't the answer but my life is precious as are others AND we are taking for granted.

\*\* Appendix G13: Please note a separate lawsuit is being filed against megal for the parts they play.

\*\* "G/7" was placed a 2<sup>nd</sup> time in quarantine (this time alone) for another 14-16 day period beginning 6/3 - 6/17. Now it will be beneficial to exercise executive order #124 (home confinement) for me. Am I going to be held responsible like this (locked in a cell 24 hours daily alone) until I leave our parole?

\*\* "G/7" this will could be avoided if they just release home as executive order #124. I can receive my treatments even be free of the institution and it's respecting covid-19. \$500.<sup>00</sup> daily (March 12<sup>th</sup> - June 17<sup>th</sup> est. 52 days) \$43,500 + est. per plaintiff

Addendum:

III Statement of Claims:

C  
Facts:

6/3 ~~Powell~~ →

On this date it was determined that a covid-19 positive inmate was placed in my cell. I complained, he was removed and was placed in quarantine for a 2<sup>nd</sup> time. Being at a high risk to already catch covid-19 this was negligence by Admin. <sup>Powell</sup>.

6/4 ~~Powell~~ →  
Hicks

Being in quarantine for a 2<sup>nd</sup> time was symptom free thus far I wrote both defendant's to inform them I was filing a civil complaint.

6/5 Hicks →

Quarantine day #3 wrote to Lt. Gov Oliver and Comm. Hicks about the status of my Furlough application.  
No date this or 7<sup>th</sup> letter written with no replies to date.

6/11 Hicks  
~~Powell~~ →

Quarantine day #9, I was informed that I contracted Hiv/Hep C while at Admin. <sup>Powell</sup> over Comm. Hicks facility. Somehow over summary in the last 6 months I contracted it. This adds me more to the list of catching covid-19. Still no answer about Furlough Application.

6/12 ~~Powell~~ →  
Hicks

While at daily we were tested for covid-19 (2<sup>nd</sup> time / 1<sup>st</sup> -) over 16 visits of blood drawn.

6/14 ~~Powell~~ →

Without my verbal or written consent I was bullied/threatened by Admin. <sup>Powell</sup> custody staff to go to a medical trip and prison transfer for a procedure I have no knowledge of.

6/15 Hicks →

Was unable to Robert Waco Johnson for procedure dealing with inmates.

6/20 Hicks →

Discharged and sent to Northern State Prison. A wristband was confirmed.

6/24 ~~Powell~~ →  
Hicks

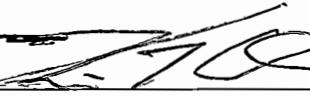
Today a written correspondence from Comm. Hicks was attempted to be delivered by OFC. McCullum. He has no clue what paper to give me. He states he never received it and will be right back. He never came back and correspondence never received. Another example of the neglect behavior over treatment I receive. I am to process and prepare complaint for filing.

7/2 ~~Powell~~ →  
Hicks

Received a written correspondence that said my FM status will not be reinstated. The reason given seems to be retaliation for the filing of this complaint. To be discriminatory and qualified for FM

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 7<sup>th</sup> day of June, 2020.

Signature of Plaintiff 

Mailing Address 215 Burlington Rm. 500  
Princeton, NJ 08502

Telephone Number (856) 468-1003

Fax Number (if you have one) N/A

E-mail Address Wic574084@gmail.com

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint.

Signature of Plaintiff:

  
X